

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 2, 3 and 6 have been rejected under 35 USC § 112, 2nd paragraph; claims 1, 7-10, and 15 have been rejected under 35 USC § 102(b) as being anticipated by *Coates* (5,941,055); claim 15 has been rejected under 35 USC § 102(b) as being anticipated by *Rehman* (5,012,629); claims 2-6, 11, 12, and 14 have been rejected under 35 USC § 103(a) as being unpatentable over *Coates* in view of *Short* (5,419,245). Claim 15 has been cancelled and new claim 16 has been introduced for the examiner's consideration. Accordingly, claims 1-12, 14, and 16 remain active in the present application.

Considering first the rejection of claims 2, 3, and 6 under 35 USC § 112, 2nd paragraph, applicant has deleted the limitation "yet low enough to avoid overpacking" so as to obviate the subject rejection.

Considering next the rejection of claims 1, 7-10, and 15 under 35 USC § 103(b) as being anticipated by *Coates*, it is submitted that applicant has amended independent claim 1 so as to overcome the subject rejection. Specifically, applicant has amended claim 1 to require relative movement between a bolt and bolt carrier and to specify that a protrusion on the bolt is dimensioned and shaped as dual function press to not only press a sheet of filter material into a depression in a mold, but also to pack an infusible material in a depression in the mold.

A review of Figure 4 in *Coates* shows a one-piece homogeneous funnel press 50 having a cylindrical press portion 52 which has been characterized as a bolt. The funnel portion 51 has been characterized as a bolt carrier. Clearly, there can be no relative

movement between the bolt and bolt carrier in *Coates* as now required in applicant's independent claim 1. Accordingly, it is submitted that claim 1 and the remaining dependent claims which depend therefrom overcome the subject rejection. Insofar as claim 15 has been cancelled, the subject rejection of claim 15 has been rendered moot.

Considering next the rejection of claims 2-6, 11, 12, and 14 under 35 USC § 103(a) as being unpatentable over *Coates* in view of *Short*, it is submitted that applicant's claims have been amended to patentably distinguish over this combination of references. As noted above, *Coates* fails to disclose a bolt which is movable relative to a bolt carrier, and *Short* fails to rectify this deficiency as discussed below.

Applicant respectfully traverses the examiner's characterization of the spring/resilient member 14 of *Coates* as controlling the pressure applied in the operation. It is submitted that the spring/resilient member 14 has no meaningful affect on the pressure applied in the operation. As stated in *Coates* at column 6, lines 45-56, when spring 14 is released, it moves forward and collects a pleated portion 68 of the filter disk 65. This is clearly shown in Figure 15 in *Coates*.

At this point, a beverage container 70 is placed over the forming die 30 as shown in Figure 16 in *Coates*. As seen in Figure 17 in *Coates*, an axial force F, applied by some unknown source, causes the beverage container to engage the chamfer on the outer surface of forming die 30. Further application of force F causes the forming die to retract and travel along with the beverage container 70 so that the filter disk 65, rigid plastic or metal insert disk 60, and beverage material 80 are advanced toward the bottom wall of the beverage container 70.

This action causes the rigid insert disk 60 to bite into and engage the inner walls of the cup and fold over the pleated portion 68 of the filter disk 65 as further shown in Figure 17 in

Coates. Spring 14 has no controlling affect in this operation, as spring 14 is required only to temporarily hold pleated portion 68 in a gathered position 50 as portion 68 is folded over the rigid metal disk 60 at a later point in the forming process. It is force F that controls the operation. Moreover, there is no compressive force applied to material 80 by any "bolt." As seen in Figure 14 in *Coates*, it is the placement of insert disk 60 over material 80 that compresses the material, not any mold part or bolt.

It is submitted that it is the friction fit of the insert disk 60 against the inner wall of container 70 that holds the assembly together and not any crimping or clamping of a flange formed by filter material. Moreover, it is force F applied against the bottom of container 70 which holds the infusion material 80 within the bottom of cup 70 during this phase of operation. This description is described in *Coates* at column 6, line 57, through column 7, line 32.

It can be appreciated that *Coates* uses a significantly different process which relies on a rigid metal or plastic insert disk 60 which, at column 5, lines 19-34 in *Coates*, states that the disk may even bite into the beverage container, thereby penetrating the inside surface to create a seal. This is completely different from crimping or clamping two pieces of filter paper together around a common flange as required in applicant's amended claims.

It should also be noted that there is no analogous bolt in *Coates* which is movable relative to a bolt carrier and shaped as a dual function press to press a piece of filter material into a depression and to pack an infusible material provided in the depression. In *Coates*, it is the container 70 that forms the "mold" into which the infusible material 80 is held by a wedging and biting action, and not by a clamping or crimping action. The forming die 30 in *Coates* moves out of the way and in no way acts as a "mold" during any pressing or packing

of an infusible material, and has nothing to do with pressing two layers of filter material between a mold sealing surface and a bolt carrier surface.

As shown in Figures 13 and 14 in *Coates*, once the infusible material 80 is funneled into the mandrel 10, the "mold" 30 is removed and takes no part in steps 14 through 18 wherein the infusible material is encapsulated. This is in sharp contrast to the present invention which requires the presence of mold 1 throughout the entire forming process and also requires the mold 1 to contact or press the filter paper, not only over and in compressing relation to the infusible material, but also in a clamping relationship with respect to the formation of a flange around the infusible material. *Coates* has nothing to do with this type of process.

Considering then the combination of *Coates* and *Short*, it is submitted that *Short* fails to rectify the deficiencies noted above. As stated in *Short*, an open can of food, such as a can of tuna fish, is inverted and placed on a platform plate 30. This appears to be somewhat similar to placing cup 70 over mandrel 10 as shown in Figure 16 in *Coates*. It is submitted that one of ordinary skill would not likely look to *Short* for any teaching whatsoever regarding a spring-loaded bolt as there is no need for a spring-loaded bolt in *Coates*. As *Coates* indicates in Figures 12-17, there is no need for a spring-loaded bolt for controlling force, but rather a spring-loaded mold for gathering and bunching the edges of a piece of filter paper. There is no need to compress the material 80 in *Coates*, as it has already been "compressed" or flattened by disk 60 (see Figures 13 and 14).

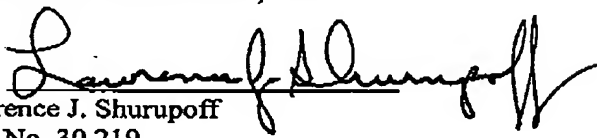
If anything, it is submitted that one of ordinary skill would, if at all looking to *Short*, use *Short* for the application of force F as shown in Figures 13 and 17 in *Coates*. However, this combination still fails to teach the formation of a dual-function press that not only presses

a sheet of filter material into a depression, but also packs an infusible material in the depression. This combination also fails to disclose pressing two layers of filter material between a mold sealing surface and a bolt carrier sealing surface.

It is submitted that there is just too great of a mental leap required in order to modify *Coates* to eliminate the use of a plastic cup as a mold and to provide a mold with a movable bolt on it which not only crimps the filter disk 65, but also eliminates a rigid disk 60 and adds a second filter disk 65 and forms a flange on the two filter disks. There is no such flange-forming process in *Coates*, and nothing of the like in *Short*. Nothing in *Coates* or *Short* brings a mold-sealing surface and bolt carrier sealing surface into juxtaposition while bringing a bolt into a depression and pressing two layers of filter material. Accordingly, it is submitted that applicant's independent claims 1 and 11 and all claims which depend therefrom patentably define over the combination of *Coates* and *Short*.

New claim 16 has been introduced for the examiner's consideration. In light of the discussion above, it is submitted that applicant's claim 16 also patentably distinguishes over the references of record.

Respectfully submitted,
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